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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,251	10/22/2001	Daniel J. Kump	FFR 2 0168-3	1666

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EXAMINER

CHAN, KO HUNG

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/083,251

Applicant(s)

KUMP ET AL.

Examiner

Korie H. Chan

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MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 2,4-10,14-16 and 26-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 11-13,17-25, 29,30,33 is/are rejected.
- 7) ☒ Claim(s) 31 and 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Election/Restrictions

Applicant's original election of figure 8A, claims 11-13, 17-25, and 29-32 in Paper No. 6 is acknowledged. However, due to an oversight, applicant request to **reinstate claims 1 and 3** as readable on figure 8A in Paper no. 8. After further review, such request has been approved. However, claims 1 and 3 are not generic claims as it fail to read on all embodiments. Claim 1 recitation requires the contact surface for contacting ceiling grid to extend completely across a width of the support body first portion. However, the embodiment demonstrated in figure 7 shows a ramp contacting surface (156) for contacting the ceiling grid does not extend completely across a width of the support body first portion.

Consequently, claims 2, 4-10, 14-16, 26-28 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 6.

DETAILED ACTION***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3 17-22, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Debner et al (2,942,314). Debner discloses a hanger comprising a

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rectangular support body (11), first arm with first protrusion (16, fig. 1 *note that hook 16 can be divided into a vertical hook portion constituting the arm and a curved portion constituting the protrusion or rib*) adjacent a corner of support body, second arm with second protrusion (12) adjacent opposite corner of support body, a third protrusion (18) extending centrally and across the support body and located between the first and second arms and transverse the longitudinal axis of the support body.

Regarding claims 1 and 3, Debner further shows the longitudinal axis and pivot axis (both axis extending along longitudinal direction of 20, figure 1, *note applicant's claim does not exclude that the longitudinal axis and pivot axis can be coincident*); and a first planar object support flange (vertical portion of hook such as shown at 15, figure 1) depending from first portion and lying in an object support plane (S-shaped side surface plane) perpendicular to the support body plane and intersecting the pivot axis; and a contact surface (18, figure 4) extends completely across a width of the support body first portion. Regarding claim 3, Debner shows attachment means (horizontal hook portion 16, figure 1) located on object support flange for supporting an object.

Applicant's intended use "a banner hanger" treated as "hanger for a banner" is not accorded with patentable weight. Debner's device is inherently capable of supporting a banner.

Claims 11-13 stand rejected under 35 U.S.C. 102(b) as being anticipated by Condon (5,230,488). Condon discloses a hanger comprising a support body (20), first arm with first protrusion (32) and second arm with second protrusion (34) on opposite side of a longitudinal axis of support body, first and second flange (22 and 26a) capable

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of supporting an object (such as adhesively attached for example) lying in the same plane which is aligned with the longitudinal axis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23-25, 29, and 30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Condon (5,230,488) in view of Schmidt (1,662,539). Condon discloses a one piece hanger comprising a support body (20), first arm and first protrusion (free distal end of 32) connected by a neck portion (portion of 32 connecting the free distal end of 32 with the vertically extending arm connect to 20) and second arm and second protrusion (free distal end of 34) connected by a neck portion (see above first neck description) on opposite side of a longitudinal axis of support body, object support flange (22 and 26a) capable of supporting an object, and a plateau (18) between first and second arms. However, Condon does not disclose the protrusions is a tapered wall. Schmidt teaches a hanger with a support body and first and second arms with tapered wall (28) for adapting to the slope of the lower flange of the overhead beam (22). It would have been obvious to one of ordinary skill in the art to modify Condon's protrusions such that they are tapered walls as taught by Schmidt for adapting to the slope of the lower flange of the overhead beam.

Claims 31 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed September 11, 2003 have been fully considered but they are not persuasive. Regarding Debner reference, applicant argues that Debner does not show three protrusions. Examiner respectfully disagrees. Debner's hook 16 comprises a vertical hook portion constituting the arm and a curved portion constituting the protrusion or rib. Since there are two hook 16, there's two protrusions at the distal end of the hooks and the third protrusion or rib being 18. Applicant further argues that Debner is unconcerned engaging planar surfaces with ceiling grid. However, applicant is not claiming planar surfaces with ceiling grid; thus such argument is irrelevant. With regard to applicant's argument that Debner does not show a rectangular body, examiner directs applicant's attention to figure 4 showing a top view of Debner's device being rectangular.

Regarding the Condon reference, applicant argues that the reinforcing web 22 and main portion 26a does not have means for supporting an object. Examiner would like to point that applicant does not claim "means for supporting an object" but rather "an object support flange". The web (22) and main flange portion (26a) of Condon are flanges which is a flange capable of supporting an object. The examiner gives the example of adhesively attaching an object thereon to demonstrate the web (22) and

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main flange portion (26a) of Condon is capable supporting an object and can be called an object support flange as claimed by applicant.

Reinstated claims 1 and 3, and new claims 33 are rejected under Debner as discussed above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

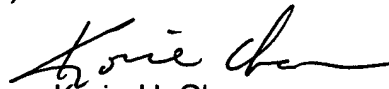
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 703-305-8079. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Korie H. Chan
Primary Examiner
Art Unit 3632

khc
April 2, 2004